

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PARTECH, INC.,

Plaintiff,

-V-

MICHAEL JACKSON and QU POS, INC.,

Defendants.

24-CV-09381 (JAV)

ORDER

JEANNETTE A. VARGAS, United States District Judge:

On December 10, 2024, ParTech, Inc. (“PAR”) submitted a letter-motion (ECF No. 11) requesting permission to file under seal the Affirmation of Oliver Ostertag in Support of PAR’s Motion for a Temporary Restraining Order. In its letter, PAR explained that it seeks to file that submission under seal because the Affirmation provides details about PAR’s highly sensitive documents and trade secrets. In addition to requiring that the requesting party explain its reasons for seeking to file a submission under seal, the Court’s Individual Rules require that the requesting party meet and confer with the opposing party in advance to narrow the scope of the request.

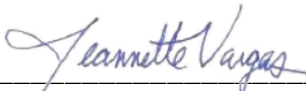
It is well established that “a presumption of immediate access [to judicial documents] applies under both the common law and the First Amendment.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 113 (2d Cir. 2006). Before a court can allow parties to file sealed judicial documents, therefore, it must analyze each document under the common law and First Amendment tests, making a particularized decision about whether sealing is both warranted and narrowly tailored to the interests justifying such sealing. *See id.* at 119-20 (describing both tests and their document-specific factors).

In light of the foregoing and the fact that the parties have not met and conferred to narrow the scope of the request, PAR's request is DENIED, and PAR is directed to re-examine the Affirmation for portions that can be unsealed. PAR is granted until December 23, 2024, to file the document with its proposed redactions in accordance with the Court's Individual Rules regarding redacted documents. If PAR does not make a submission by that date, the Affirmation will be unsealed without further notice to the parties.

The Clerk of Court is directed to terminate ECF No. 11.

SO ORDERED.

Dated: December 16, 2024
New York, New York



JEANNETTE A. VARGAS
United States District Judge